

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Kathleen M. Sullivan (CA Bar No. 242261)
3 kathleensullivan@quinnemanuel.com
4 Daniel C. Posner (CA Bar No. 232009)
5 danposner@quinnemanuel.com
6 Mari F. Henderson (CA Bar No. 307693)
7 marihenderson@quinnemanuel.com
8 865 S. Figueroa St., 10th Floor
9 Los Angeles, California 90017
10 Telephone: (213) 443-3000
11 Facsimile: (213) 443-3100

12 QUINN EMANUEL URQUHART &
13 SULLIVAN, LLP
14 Asher Griffin (appearance *pro hac vice*)
ashergriffin@quinnemanuel.com
15 300 W. 6th St., Suite 2010
Austin, TX 78701
16 Telephone: (737) 667-6100

17 QUINN EMANUEL URQUHART &
18 SULLIVAN, LLP
19 Alex Spiro (appearance *pro hac vice*)
alexspiro@quinnemanuel.com
20 51 Madison Ave., 22nd Floor
New York, NY 10010
21 Telephone: (212) 849-7000

22 *Attorneys for Defendant Tesla, Inc.*

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24 **UNITED STATES DISTRICT COURT**
25 **NORTHERN DISTRICT OF CALIFORNIA**
26 **SAN FRANCISCO DIVISION**

27 OWEN DIAZ,

28 Case No. 3:17-cv-06748-WHO

29 Plaintiff,

30 v.
DEFENDANT'S NOTICE OF LODGING
OF PROPOSED JURY INSTRUCTIONS
AND STATEMENT OF THE CASE

31 TESLA, INC. DBA TESLA MOTORS, INC.,

32 Hearing Date: January 17, 2023

33 Defendant.

34 Time: 2:00 p.m.

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36 Place: Courtroom 2, 17th Floor

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38 Judge: Hon. William H. Orrick

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41 Case No. 3:17-cv-06748-WHO

42 **NOTICE OF LODGING**

1 **DEFENDANT'S NOTICE OF LODGING**

2 In advance of the Case Management Conference scheduled for January 17, 2023, at 2 p.m.,
3 Defendant Tesla, Inc. hereby submits a proposed Statement of the Case and Jury Instructions,
4 attached hereto as Exhibits A and B, respectively. For ease of review, Tesla further submits, as
5 Exhibits C and D hereto, redlined copies of these documents showing its edits to the versions of
6 these documents that Plaintiff Owen Diaz submitted as Exhibits A and B to the Joint Status Report
7 on Trial Issues, dated January 10, 2023 ("Joint Status Report," Dkt. 372).

8 As Tesla noted in the Joint Status Report, Tesla did not receive Plaintiff's proposed
9 Statement of the Case and Jury Instructions until the afternoon of January 6, and did not have an
10 opportunity to review and comment on them, or to meet and confer with Plaintiff about them,
11 before Plaintiff submitted them to the Court with the Joint Status Report. Tesla continues to
12 believe it is premature for the Court to rule on the parties' disputes regarding the Statement of the
13 Case and Jury Instructions until after the parties have a further opportunity to meet and confer on
14 them so they may attempt to resolve as many of their disputes as possible without the need for
15 Court intervention.¹ Nevertheless, given that Plaintiff submitted his proposed versions of these
16 documents to the Court, and to the extent the Court would like to discuss these documents at the
17 Status Conference on January 17, Tesla is hereby lodging its proposed versions so they may be
18 considered as part of any discussion.

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26 ¹ The Court previously set a deadline of January 30, 2023 for the parties to exchange proposed
27 jury instructions and the verdict form, with a deadline to file those documents on February 8,
28 2023. The Court likewise previously set a deadline of February 13, 2023 for the parties to submit
a proposed joint statement of the case. Tesla believes these deadlines remain appropriate and will
continue to meet and confer with Plaintiff on these documents in advance of those deadlines.

1 DATED: January 16, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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By /s/ Daniel C. Posner

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Kathleen M. Sullivan

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Daniel C. Posner

7

Mari Henderson

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SULLIVAN, LLP

9

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10

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11

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12

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Austin, TX 78701
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51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (213) 443-3100

16 Attorneys for Defendant Tesla, Inc.

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